

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

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|------------------------|---|-------------------------------------|
| DAVID SCHMIDT, | : | Case No. 3:17-cv-224 |
| | : | |
| Plaintiff, | : | Magistrate Judge Sharon L. Ovington |
| | : | (by full consent of the parties) |
| vs. | : | |
| | : | |
| NANCY A. BERRYHILL, | : | |
| COMMISSIONER OF SOCIAL | : | |
| SECURITY, | : | |
| | : | |
| Defendant. | : | |

DECISION AND ENTRY

This social security case is presently before the Court on the parties' Joint Stipulation to Remand to the Commissioner. (Doc. #13). The parties agree that the findings of the ALJ including the non-disability finding should be vacated and this matter be remanded to the Commissioner pursuant to Sentence Four of Section 205 of the Social Security Act, 42 U.S.C. § 405(g), and respectfully request this Honorable Court enter an appropriate order with judgment. Upon receipt of the Court's order, the Appeals Council will remand the matter to an Administrative Law Judge (ALJ) for further proceedings. During said proceedings, the ALJ will reweigh the medical opinions and reevaluate Plaintiff's residual functional capacity.

IT IS THEREFORE ORDERED THAT:

1. The parties' Joint Stipulation to Remand to the Commissioner (Doc. #13) is **ACCEPTED**;

2. The Clerk of Court is directed to enter Judgment in Plaintiff's favor under Fed. R. Civ. P. 58;
3. This matter is **REMANDED** to the Social Security Administration, pursuant to sentence four of 42 U.S.C. § 405(g), for further consideration consistent with this Decision and Entry and the parties' stipulation; and
4. The case is terminated on the docket of this Court.

IT IS SO ORDERED.

February 1, 2018

s/Sharon L. Ovington

Sharon L. Ovington

United State Magistrate Judge